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**United States Court of Appeals for the Eighth Circuit**

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*IN RE* EXXON MOBIL CORP.,  
*Defendant–Petitioner,*

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Petition for Writ of Mandamus to the United States District Court for the  
Western District of Missouri, (Hon. Stephen R. Bough)  
No. 4:24-cv-00803-SRB

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**PETITIONER’S MOTION FOR LEAVE TO FILE A REPLY**

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Petitioner Exxon Mobil Corporation (“ExxonMobil”) filed its petition for a writ of mandamus on February 24, 2025. On March 7, the Court requested that Plaintiffs file a response. They did so on March 21.

ExxonMobil now respectfully moves for leave to file a reply brief in support of its petition for a writ of mandamus, and has attached the reply brief it seeks to file as an exhibit to this motion. The Federal Rules of Appellate Procedure generally provide a party seeking relief an opportunity to reply to an opposition brief. *See, e.g.*, Fed. R. App. P. 27(a)(4), 28(c)). And while the rules do not specifically address reply briefs in support of a petition for mandamus, this Court routinely and consistently permits petitioners to file such replies. *See, e.g.*, Order, *In re: Charter Communications, Inc., et al*, No. 25-1315 (8th Cir. Mar. 21, 2025) (granting motion for leave to file reply); Order, *In re: Zest Labs, Inc.*, No. 22-2306 (8th Cir. July 27, 2022) (same); Order, *In re: Lorraine Brazile*, No. 21-1374 (8th Cir. Mar. 10, 2021) (same); Order, *In re: ProSource Technologies*, No. 17-2675 (8th Cir. Aug. 28, 2017 (same); Order, *In re: State Farm Fire, etc.*, No. 16-3185 (8th Cir. Aug. 30, 2016) (same); Order, *In re: LexMac Energy, L.P. et al.*, No. 13-2535 (8th Cir. Aug. 15, 2013) (same).

The Court should do so here. ExxonMobil’s reply brief is concise and directly responds to arguments raised in Plaintiffs’ response. *See* Fed. R. App. P. 27(a)(4). Those include Plaintiffs’ argument that their voluntary

dismissal of the Kansas action rendered it a “nullity”—a claim that the Supreme Court recently foreclosed, *Waetzig v. Halliburton Energy Services, Inc.*, 145 S. Ct. 690 (Feb. 26, 2025)—and their contention that the Missouri action and the Kansas action do not substantially overlap—a claim they have never previously made (and is also incorrect). Accordingly, ExxonMobil’s reply will aid the Court in its consideration of the petition for a writ of mandamus, especially in light of Plaintiffs’ new position that the two cases are not even parallel. Therefore, consistent with its standard practice, this Court should grant ExxonMobil leave to file its reply.

ExxonMobil respectfully requests that the Court grant it leave to file the attached reply.

Respectfully submitted,

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March 27, 2025

## CERTIFICATE OF COMPLIANCE

The undersigned counsel of record certifies that this Petition complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because, excluding the parts exempted by Fed. R. App. P. 32(f), this document contains 376 words.

This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Century Schoolbook font in 14 point size.

*/s/ Zachary D. Tripp*

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March 27, 2025

## CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2025, I electronically filed the foregoing and its exhibit with the Clerk of the Court using the ECF system, which will send notification of such filing to all ECF participants.

*/s/ Zachary D. Tripp*

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